



STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

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*Testimony of the Department of Motor Vehicles
Transportation Committee Public Hearing
March 3, 2010*

Raised H.B. 5385 AN ACT CONCERNING THE USE OF IGNITION INTERLOCK DEVICES IN MOTOR VEHICLES

The Department of Motor Vehicles (DMV) understands the intent of H.B. 5385, however the agency has serious concerns about the resources necessary to implement its requirements. In addition, the bill makes other changes that may create ambiguity, as well as unnecessary requirements for additional convictions for driving under the influence (DUI).

H.B. 5385 would allow drivers convicted of a first offense of DUI to participate in the Ignition Interlock Device (IID) program. Currently, the DMV processes about 400 applications a year for IID, which is now required for drivers following a second DUI conviction. Under the requirements of H.B. 5385, DMV projects that the number of applicants for the IID program would increase to about 4,000 a year.

This dramatic increase in volume would either result in a substantial increase in processing time for all activities within the Division or require additional staff to maintain the current processing time.

Staff currently validates restorations from license suspensions in less than ten (10) business days. Similarly, applications for Special Operator Permits (work and education permits), corrections and revisions to driving records (approximately 4,000-5,000 a week) are routinely completed on a weekly basis. These production measures will more than double if this proposal is adopted and resources remain constant. Providing resources to administer this program at current levels of efficiency would require an additional fourteen (14) positions at an annual cost of approximately \$888,000. Although, the proposal calls for a user fee to fund the administrative aspects of this program, it would nevertheless require an appropriation for the initial year, and establishment of a revolving fund to sustain continued operation.

In addition the concerns about the resources required to implement this bill, there are other issues this proposal raises.

In Section 1 of H.B. 5385, it is DMV's position that the wording used to establish an Ignition Interlock Device (IID) within 14-227a(g) for a first conviction of DUI might create ambiguity for the second DUI conviction.

Under federal law, a "repeat offender" is a person convicted of a second DUI offense. As a condition of maintaining its transportation funding, Connecticut must require a repeat offender to install an IID before it may restore that person's license. Therefore, a person with a second conviction must install an IID and may not opt to take a three-year suspension in lieu of the IID.

Installation of an IID for a first conviction is not covered in the federal law, so conceivably a first offender may opt to serve a suspension in lieu of installing an IID. Yet the language is the same for the first and second convictions.

DMV respectfully proposes additional language changes to H.B. 5385 in order to distinguish the requirements of a first offender from those of a second offender (attached as Exhibit "A").

DMV also does not believe that the change proposed within Section 3 of H.B. 5385 is necessary. As it is currently written, 14-227f requires a person with a first conviction of DUI to undergo the Substance Abuse Treatment Program (SATP).

While it is not entirely clear, the addition of language to 14-227f appears to require that a person repeat the SATP each time he or she is convicted of an additional DUI offense. There is no evidence that repeating this program benefits the operator in any way.

In fact, if an operator were to receive two DUI convictions in close proximity to one another, that person may be required to undergo two identical SATP programs at the same time.

If it is not the intent to require this program after each conviction, then the language change to 14-227f is unnecessary. For this reason the DMV is not in favor of adding this bill's proposed language to 14-227f.

While DMV has concerns about specific parts of H.B. 5385, its staff would be happy to work with the Transportation Committee on this issue.

Exhibit "A"

Section 1. Subsection (g) of section 14-227a of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(g) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than one thousand dollars, and (B) be (i) imprisoned not more than six months, forty-eight consecutive hours of which may not be suspended or reduced in any manner, or (ii) imprisoned not more than six months, with the execution of such sentence of imprisonment suspended entirely and a period of probation imposed requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) (i) have such person's motor vehicle operator's license or nonresident operating privilege suspended for one year, or (ii) have such person's motor vehicle operator's license or nonresident operating privilege suspended for six months and be prohibited for the one-year period following completion of such period of suspension from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; (2) for conviction of a second violation within ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than two years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) (i) if such person is under the age of 21 at the time of the offense, have such person's motor vehicle operator's license or nonresident operating privilege suspended for three years or until the date of such person's twenty-first birthday, whichever is longer, and be prohibited for the two-year period following completion of such period of suspension from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; or (ii) if such person is 21 years of age or older at the time of the offense and has been convicted of a violation of subdivision (1) of subsection (a) of this section on account of being under the influence of intoxicating liquor or of subdivision (2) of subsection (a) of this section, have such person's motor vehicle operator's license or nonresident operating privilege suspended for one year and be prohibited for the two-year period following completion of such period of suspension from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; and (3) for conviction of a third and subsequent violation within

ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than three years, one year of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section in effect on October 1, 1981, or as amended thereafter, a conviction under the provisions of either subdivision (1) or (2) of subsection (a) of this section, a conviction under the provisions of section 53a-56b or 53a-60d or a conviction in any other state of any offense the essential elements of which are determined by the court to be substantially the same as subdivision (1) or (2) of subsection (a) of this section or section 53a-56b or 53a-60d, shall constitute a prior conviction for the same offense.